

## I want to appeal - what should I do?

### For people who want to appeal against a court decision

#### About this leaflet

This leaflet will help you if you are in a dispute that has gone to court and you want to appeal against the decision. It will tell you:

- what to consider before you appeal
- what is required to make an appeal, and
- what to expect from the appeals process.

You can find additional information about making an appeal in the guidance notes that come with the Appellant's Notice.

#### Terms used in this leaflet

The court in which your case was decided is referred to as the '**lower court**'.

The court to which you are appealing is known as '**the appeal court**'.

If you are the person who wants to appeal, you are the '**appellant**'; the other party is known as the '**respondent**'.

**Important information about this leaflet.** This leaflet is only intended as a guide. You may wish to get independent legal advice before making decisions based on this leaflet.

If you need this leaflet in an alternative format, for example in large print, please contact your local court.

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## **Can I appeal against the outcome of my case?**

You cannot appeal against the lower court's decision just because you think the judge 'got it wrong'. You can only appeal if you have proper legal grounds – for example, if you can show that the decision was wrong because of a serious procedural error or irregularity.

If you are in any doubt about your grounds for appeal, you should seek advice from a solicitor, law centre or advice agency.

## **What should I think about before I make an appeal?**

Appealing can be a costly and lengthy process. These are some of the things you need to consider before you begin:

### **You may need permission to appeal**

In most cases, you will have to ask a judge's permission to appeal (unless you were already granted permission at your hearing). The judge will only grant this permission if they think the appeal has a real prospect of succeeding.

### **You need to act quickly**

Once the court has made its decision, you have a limited period in which to appeal.

You must file your appellant's notice:

- within the time limit set by the judge whose order you are appealing against, or
- where that judge sets no time limit, within 21 days after the date when the decision you wish to appeal against was made.

### **You may need legal advice**

The success of your appeal is likely to depend on detailed legal and procedural points, so you are strongly advised to seek the advice of a solicitor.

You can also get free legal information and advice from a Law Centre, Community Legal Advice on 0845 345 4 345 or at [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk), or a Citizens Advice Bureau at [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

### **You may have to pay a fee**

You will usually have to pay a court fee when you appeal. You will find a list of court fees at [www.hmcourts-service.go.uk/infoabout/fees/index.htm](http://www.hmcourts-service.go.uk/infoabout/fees/index.htm) or court staff will be able to let you know the amount you have to pay.

However, you will not have to pay a court fee if:

- you receive Income Support
- you receive Pension Guarantee Credit
- you receive income-based Jobseeker's Allowance
- you receive Working Tax Credit provided you are not receiving Child Tax Credit, or
- your gross annual income does not exceed a specified limit.

Also, if you can show that the payment of a court fee will involve undue hardship, you may be eligible for a part remission. The amount of fee you pay will be based on a detailed means test to assess your financial situation.

For more information, or to apply for a fee remission, ask the court for a copy of the combined booklet and form **Court fees – Do you have to pay them?** Alternatively you can download a copy from our website at [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

## **Costs may be awarded against you**

If you lose your appeal, you may be told to pay the other party's costs, including the costs of their solicitor, if they have one.

## **Do I need permission to appeal?**

You will need to ask for permission to appeal if:

- you did not already ask for permission during your hearing, or
- you did ask for permission but your request was refused – in both cases permission must be sought from the appeal court.

You may also have to seek permission from the appeal court if yours was a small claims case, and the decision was made in your absence because you did not attend the hearing.

**Remember**, the judge will only grant permission to appeal if they think the appeal has a real prospect of succeeding.

## **How do I apply for permission to appeal?**

Whether you are applying for permission to appeal or already have permission and want to file your appeal now, the process is the same.

In both instances, you should complete the **Appellant's Notice**. You can get a copy of this form at [www.hmcourts-service.gov.uk/cms/civilappeals.htm](http://www.hmcourts-service.gov.uk/cms/civilappeals.htm)

The form comes with detailed guidance notes, which you should read carefully before you begin. The notes tell you how to complete the form and what documents you must provide with your application.

Alternatively, court staff can help you to complete the Appellant's Notice and tell you about procedure. However, they cannot give legal advice. If you need legal advice about bringing your appeal, you should contact a solicitor or a Law Centre.

To apply for permission, you must complete both the sections on permission **and** the sections on your appeal and the reasons for it. Once completed, you should send it to the relevant court (see 'Do I need permission to appeal?' on page 6).

## How do I issue an appeal?

If you have permission and are ready to issue your appeal, you must complete the Appellant's Notice (except the sections on permission) and send it with the appropriate fee to the appeal court. This is known as 'filing an appeal'.

You must include sufficient copies of the notice and the supporting documents as indicated in the guidance notes.

**Remember**, you cannot introduce new evidence in your application without the appeal court's permission. New evidence is evidence that was not used at your hearing, or which has become available since then.

## When must I file my appeal?

The date by which you must file your appeal will usually be given on the order you received giving you permission to appeal. If no date is set, you must file your Appellant's Notice within **21 days** of the date when the decision in your case was made.

**Remember**, if you file an incomplete Appellant's Notice and you need to alter it after it has been filed, you will need to apply to the appeal court to do this.

## Which court should I appeal to?

This depends on the level of the judge who made the decision in your case and the type of order they made, as outlined below:

- If your decision was made by a **district judge in a county court claim** (other than a final decision in a multi-track claim), your appeal will be dealt with by a circuit judge. The hearing will normally be held in a county court. You must file your appeal notice with the office of the court where your case is being handled.
- If your decision was made by a **circuit judge in a county court** (other than a final decision in a multi-track claim), your appeal will be dealt with by a High Court judge. The appeal will be heard in an appeal or hearing centre. You must file your appeal in an appeal centre on the same circuit as the lower court. You can find a list of appeal centres on page 11 of this leaflet.
- If your decision was made by a **Master or district judge in a High Court claim**, your appeal will be dealt with by a High Court judge. You should file your appeal notice with an appeal centre on same circuit as the lower court. You can find a list of these appeal centres on page 11 of this leaflet.
- If you are appealing against a decision made by a **circuit judge, Master or district judge that was a final decision in a multi-track claim**, your appeal will be dealt with by the Lord Justice of Appeal. Your appeal will take place in the Royal Courts of Justice in London. You should file your appeal in the Civil Appeals Office at the Royal Courts of Justice.
- If your decision was made by a **High Court judge**, your appeal will be dealt with by a Lord Justice of Appeal. Your hearing will take place in the Royal Courts of Justice in London. You should file your appeal in the Civil Appeals Office at the Royal Courts of Justice.

## What happens next?

Once you have filed an Appellant's Notice, the court will send copies of all the documents you have filed to the respondent. If you wish to send copies to the respondent yourself, you must tell the court. Court staff will then hand you back copies stamped with the court seal, which you must send to the respondent within seven days of the date you filed your Appellant's Notice.

What happens next will depend on whether or not you are seeking permission to appeal, and the outcome of any such application.

### I already have permission or permission is not needed

The court will send you a notice telling you:

- when your appeal will be heard or the time period (known as the 'listing window') during which it is likely to be heard, and
- what you need to prepare for the appeal hearing (called 'directions').

### I have applied for permission to appeal

Your application will be passed to a judge, who will consider it. This will usually happen without you having to attend a hearing. You will be sent an order setting out the judge's decision.

### Permission has been granted

Your permission to appeal may be granted fully or with limitations. The order granting permission will let you know which issues you may raise in your appeal and which you may not. If you do not agree with this, you can apply to the appeal court to vary the terms of the permission. You must do so as soon as possible and you must let the respondent know that you are doing so. This application will normally be dealt with at the beginning of your appeal hearing.

### Permission has been refused

If the judge refuses permission to appeal without a hearing, you can ask for that decision to be reconsidered at an oral hearing. To do this, you must apply within seven days of receiving notice of the refusal and you must send a copy of your request to the respondent. If you do not apply within seven days, the refusal decision becomes final.

**Remember**, if you are granted an oral hearing and permission is again refused, there is no appeal against this decision.

### Other applications

If a separate hearing is required to deal with any other applications you made with your Appellant's Notice – for example, for more time to collect the documents you need – you will be notified of the time and date of this hearing. Otherwise, the court will make a decision on these matters and you will be notified of the result.

## Can the respondent appeal?

Yes. The respondent may disagree with the decision of the lower court, or wish to uphold that decision but for different reasons than those given by the judge. They will require permission to appeal just like an appellant. They must complete the Respondent's Notice, similar to the Appellant's Notice, and provide supporting documents, which they must also send to you.

The court will normally hear the respondent's appeal at the same time as yours.

## Appeal and hearing centres

Your appeal may be heard at an appeal centre or hearing centre on the same region as the lower court. These are listed below:

Region	Appeal centres	Hearing only centres
Midlands Region	Birmingham Nottingham	Lincoln Leicester Northampton Stafford
North East Region	Leeds Newcastle Sheffield	Teesside
North West Region	Chester Liverpool Manchester Preston	Carlisle
HMCS Wales	Cardiff Swansea	
South West Region	Bristol Exeter Winchester	Plymouth Truro
South East Region	Chelmsford Lewes Luton Maidstone Norwich Oxford Reading St Albans	
London	Royal Courts of Justice	

## **Where can I get more information?**

**For general information about solving legal disputes, visit [www.direct.gov.uk](http://www.direct.gov.uk)**

**For advice on court procedures, to get the forms you need or for help filling them in, speak to the court staff. But remember, they cannot give you legal advice. For example, they cannot tell you whether you should appeal or whether your appeal will be successful.**

You may also get free legal advice about bringing your appeal from a Law Centre, Community Legal Advice on 0845 345 4 345 or at [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk), or a Citizens Advice Bureau at [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

**To read our other leaflets in this series, visit [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)**

**For contact details of all our courts, visit [www.hmcourts-service.gov.uk/HMCSCourtFinder/](http://www.hmcourts-service.gov.uk/HMCSCourtFinder/)**

### **For people with a disability**

If you have a disability which makes going to court or communicating difficult, contact the court customer service officer (or for civil courts in London, the disability contact officer) at the court concerned. You can also call the HMCS Disability Helpline for free on 0800 358 3506, Monday to Friday between 9am and 5pm. If you are deaf or hard of hearing, use the Minicom service on 0191 478 1476.

Her Majesty's Courts Service (HMCS) is an executive agency of the Ministry of Justice. Our aim is to deliver justice effectively and efficiently to the public. We are responsible for managing the magistrates' courts, the Probate Service, the Crown Court, county courts in England and Wales, and the Royal Courts of Justice – where the majority of High Court and Court of Appeal cases are heard.

For more information, visit our website: [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)